IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 2708 OF 2003

IN

SUIT NO. 2555 OF 2003

HDFC Ltd .....**Plffs.**
vs.
Jayesh C. Doshi and ors. .....**Defnds.**

Mr.S. Udeshi for the plffs i/b. S. Udeshi and co.

Mr. Anvee Dalal for the defendants.
i/b. Yusuf and Associates.

CORAM: S.U. KAMDAR, J.

DATE : 30th September, 2005.

P.C. :.

1. The present suit is field for the recovery of housing loan facility granted by the plaintiffs to the defendants. The flat is the subject matter of mortgage. The suit claim as on the date of the suit is Rs.39,07,258.19/-. There is no affidavit in reply to the notice of motion. In the aforesaid circumstances I pass the following order :

The ad-interim order passed on 29.11.2002 is confirmed. The court Receiver is directed to permit the withdrawal of the royalty amount by the plaintiffs keeping 20% towards the costs charges and expenses. The plaintiff further undertakes that in an event if they fail in the suit they will bring that money back with interest at the rate of 18% and further that if any further amount is required for the maintenance of the said flat the plaintiff will put the Receiver in the possession of the necessary funds. Motion disposed off accordingly.

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